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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALAN LEHMAN,

Plaintiff,

-against-

PAUL GARFINKLE,

Defendant.

08 Civ. 9385 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

On or about November 8, 2012, defendant Paul Garfinkle filed a motion styled "Motion to Dismiss Plaintiff's First Amended Complaint with Prejudice." (Dkt. No. 36.) On March 7, 2013, Magistrate Judge Debra Freeman issued a Report and Recommendation (Dkt. No. 39) recommending that this Court construe defendant's motion as a properly filed motion to dismiss the First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Judge Freeman further recommended that this Court deny that motion.


The prescribed time for objections to Judge Freeman's Report and Recommendation has elapsed and the Court has received none. Following *de novo* review, the Court adopts Judge Freeman's Report and Recommendation in full.

The Court notes that defendant has already filed his answer, which includes a counterclaim, to the First Amended Complaint. (Dkt. No. 41.) The parties shall inform the Court in writing by April 26, 2013, whether they require any additional time for discovery. If the parties request additional time, they shall submit a proposed schedule for all remaining discovery. Motions for summary judgment, if any, shall be filed by May 31, 2013. Oppositions to any motion for summary judgment shall be filed by June 21, 2013. Replies, if any, shall be filed by June 28, 2013. The Court

will revisit this briefing schedule in the event that the parties request additional time for discovery.

Dated: New York, New York
April 12, 2013

SO ORDERED:


A handwritten signature in black ink, appearing to read "Sidney H. Stein", is written over a horizontal line.

Sidney H. Stein, U.S.D.J.